



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eric D. Fox
Serial No. 10/650,560
Filing Date: August 28, 2003
Examiner: Mark Henderson
Title: *Identification Card with Changeable Insert*

Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this communication is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Esmarie A. Garland
Esmarie A. Garland

Date: May 5, 2004

Dear Sir:

Summary of Telephone Interview

This is to summarize the telephone conference with Examiner Mark Henderson on May 2nd and 3rd, 2004. The Examiner alleges the following species: Species A (Figs. 2a, 2b); Species B (Figs. 3a, 3b); Species C (Figs. 4, 4a, 5, 5a); Species D (Fig. 4b); Species E (Figs. 4c, 4d). Applicant's representative elected Species A (Figs. 2a, 2b). Applicant's representative stated that at least Claim 1 is generic, but that he would provide a listing of all claims reading in the elected species and a listing of any additional generic claims. The Examiner initially agreed.

After consulting with his Supervisor, however, the Examiner stated that Claim 1 is not generic because it "defines only an element or subcombination common to the several species." The Examiner referenced MPEP § 806.4(d). No agreement was reached regarding the restriction requirement. The Examiner agreed to send the restriction via mail. In view of the Examiner's changing position with respect to the restriction, Applicant's representative reserves the right to change the election once the restriction requirement is received via mail.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



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Date: 5/3/04

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